

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

CYTOLOGIX CORPORATION,

Plaintiff,

v.

VENTANA MEDICAL SYSTEMS, INC.,

Defendant.

Civil Action No. 04-11783 (RWZ)

**DEFENDANT VENTANA MEDICAL SYSTEMS, INC.'S  
MOTION TO DISMISS FOR LACK OF JURISDICTION**

Defendant Ventana Medical Systems, Inc. hereby moves the Court to dismiss the First Amended Complaint for lack of jurisdiction. As grounds for this motion, Ventana states that plaintiff lacks standing to bring suit for the alleged infringement of the patents-in-suit, having relinquished all substantial rights under those patents prior to filing suit.

In further support of its motion, Ventana respectfully refers the Court to the Memorandum of Defendant Ventana Medical Systems, Inc. in Support of Its Motion to Dismiss for Lack of Jurisdiction, and the Declaration of Roger J. Chin in Support of Ventana's Motion to Dismiss for Lack of Jurisdiction, filed concurrently herewith.

**REQUEST FOR ORAL ARGUMENT**

Pursuant to Local Rule 7.1(D), Ventana hereby requests that the Court hear oral argument concerning the foregoing motion.

Dated: February 13, 2007

VENTANA MEDICAL SYSTEMS, INC.

By its attorneys,

/s/ Roger J. Chin

Peter E. Gelhaar (BBO #188310)  
Michael S. D'Orsi (BBO #566960)  
DONNELLY, CONROY & GELHAAR, LLP  
One Beacon Street, 33rd Floor  
Boston, Massachusetts 02108  
(617) 720-2880

Ron E. Shulman (*pro hac vice*)  
Roger J. Chin (*pro hac vice*)  
WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation  
650 Page Mill Road  
Palo Alto, California 94304  
(650) 493-9300

Jeffrey N. Danis (BBO #113880)  
VENTANA MEDICAL SYSTEMS, INC.  
1910 Innovation Park Drive  
Tucson, Arizona 85737  
(520) 229-3965

**LOCAL RULE 7.1(A)(2) CERTIFICATION**

Counsel hereby certifies, in accordance with Local Rule 7.1(A)(2), that prior to filing this paper the parties have conferred and attempted in good faith to resolve or narrow the issues presented herein.

/s/ Roger J. Chin

Roger J. Chin

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on February 13, 2007.

\_\_\_\_\_/s/ Roger J. Chin

Roger J. Chin